



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Thirty-fourth Meeting Day

Tuesday Afternoon

March 22, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Reverend Larry Bates, New Bethel Missionary Church, Indianapolis, the guest of Senator Teresa S. Lubbers.

The Pledge of Allegiance to the Flag was led by Senator Lubbers.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes <input checked="" type="checkbox"/>
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 296: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Engrossed House Bill 1224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "4-4-3-24" and insert "5-28-6-2.5".

Page 1, line 3, delete "24." and insert "2.5".

Page 1, line 6, delete "department" and insert "**corporation**".

Page 1, line 13, delete "department" and insert "**corporation**". (Reference is to HB 1224 as printed February 15, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 30, after "may" insert "**not**".

(Reference is to HB 1365 as printed February 9, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WEATHERWAX, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 51

Senate Concurrent Resolution 51, introduced by Senator Gard:

A CONCURRENT RESOLUTION honoring the Shenandoah High School Girls Basketball Team for winning the 2005 Class 2A Championship.

Whereas, The Shenandoah High School Girls Basketball Team enjoyed a 22-5 season record;

Whereas, On March 5, 2005, Shenandoah High School triumphed over North Judson-San Pierre by a score of 54-49 in the championship game at Conseco Fieldhouse in Indianapolis;

Whereas, Senior Guard Kara Keesling is the 2004-05 recipient of the Patricia L. Roy Mental Attitude Award for Class 2A. Kara finished the game with 13 points and sealed the team's victory by sinking two key free throws with 18.7 seconds remaining; and

Whereas, With this year's victory, Shenandoah earned its second state championship in three years: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Shenandoah High School Girls Basketball Team for their outstanding season culminating with the IHSAA Class 2A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Principal Charles Willis, Athletic Director Rick Penn, Head Coach Todd Salkoski, and each member of the championship team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Saunders.

Senate Concurrent Resolution 44

Senate Concurrent Resolution 44, introduced by Senator Breaux:

A CONCURRENT RESOLUTION honoring Mrs. Mariama Shaheed-Carson of Indianapolis, Indiana, a six year elementary teacher at Eagle Creek Elementary School, Metropolitan School District of Pike Township in Indianapolis as a 2004-2005 Milken Foundation National Educator.

Whereas, The Milken Foundation National Educator Award is given to recognize education professionals' crucial contributions to our national well being;

Whereas, Mrs. Shaheed-Carson creates developmentally-focused lessons that incorporate local, state and national standards, and she uses integrated thematic instruction, spiral learning, activities that enhance higher order thinking skills, and cooperative learning. She is a member of the C.L.A.S.S. Support Team, who are a group of teachers who help with thematic integration and community building in the classroom;

Whereas, Mrs. Shaheed-Carson is a certified bilingual teacher and visited Cuernavaca, Mexico last year in order to more effectively address the educational and cultural needs of her diverse student population and she created a Cinco de Mayo celebration at Eagle Creek;

Whereas, Mrs. Shaheed-Carson provides an engaging learning environment resulting in her fifth graders making significant achievement gains on the Northwest Evaluation Association assessment, often with some of the highest scores in the district and she created Carson's Book Club for students;

Whereas, Mrs. Shaheed-Carson graduated cum laude from Butler University earning a B.S. degree in Elementary Education and a Masters in Business Management from Indiana Wesleyan University;

Whereas, Mrs. Shaheed-Carson has received several other awards; IU Interdisciplinary Collaborative Program recipient, IPL Golden Apple Nominee, Pike Township Teacher of the Year nominee, and the Butler University Outstanding Student Teacher; and

Whereas, Mrs. Shaheed-Carson has been active in her community as the YMCA Before and After School Program Director, as a Project Upward Bound Tutor/Counselor, as a Hispanic Education Center volunteer, and as a Martin Luther King Multi-Service Center volunteer: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly congratulate and honor Mrs. Mariama Shaheed-Carson for her distinguished service to Eagle Creek Elementary School, her students in Indianapolis and her contribution to education in the State of Indiana.

SECTION 2. That the Secretary of the Senate shall transmit a copy of the Resolution to Mrs. Mariama Shaheed-Carson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Mays and Orentlicher.

Senate Concurrent Resolution 45

Senate Concurrent Resolution 45, introduced by Senator Alting:

A CONCURRENT RESOLUTION commemorating the 100th Anniversary of The Lafayette Life Insurance Company.

Whereas, The Lafayette Life Insurance Company was founded in 1905, in Lafayette, Indiana;

Whereas, The mission of The Lafayette Life Insurance Company is to maintain Lafayette Life as a financially sound, quality driven, growth oriented company, dedicated to exceeding its customers' requirements for life insurance and related financial services and to distribute its products to well-defined U.S. market segments;

Whereas, The Lafayette Life Insurance Company ranks among the top 200 life insurance companies in the United States, with over \$20 billion of insurance in force;

Whereas, During the past century, The Lafayette Life Insurance Company has never failed to pay policyowners an annual dividend;

Whereas, The Lafayette Life Insurance Company has a proud history of strong financials and excellent customer service; and

Whereas, The Lafayette Life Insurance Company is committed to maintaining its tradition of excellence in the future: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the excellent products and customer service that The Lafayette Life Insurance Company provides and celebrates the 100th Anniversary of this outstanding company.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Board of Directors of The Lafayette Life Insurance Company.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Klinker.

House Concurrent Resolution 27

House Concurrent Resolution 27, sponsored by Senator Kenley:

A CONCURRENT RESOLUTION honoring Mark Weaver for his many years of dedication to the profession of teaching Indiana's youth and for being named Indiana's Teacher of the Year for 2004.

Whereas, Mr. Weaver is a Grade 7 and 8 science teacher of 21 years at Clay Junior High School in Carmel, Indiana;

Whereas, Mr. Weaver earned his Bachelor of Science Degree in Botany with an Education Certification from Butler University in 1981 and his Masters of Science Degree in Biology Education from Butler University in 1983;

Whereas, Mr. Weaver believes that students must be engaged in science in order to learn and love it;

Whereas, Mr. Weaver's dedication to teaching has earned him the respect of his colleagues, students, and the parents of Carmel Clay Junior High School;

Whereas, In addition to his responsibilities at the Junior High School he is the chief timer, scorer, and announcer for Clay's football and basketball games;

Whereas, Mr. Weaver is a member of a steering committee for the Carmel Parks Department and has assisted the Indiana Department of Natural Resources in conducting evaluations of programs and materials;

Whereas, Mr. Weaver also helps sponsor various church activities and is involved with helping the Salvation Army;

Whereas, Mr. Weaver has received many honors and recognitions including Who's Who on the Web, the City of Carmel's "Teacher of the Day-Mark Weaver Day" and an honoree and finalist for Disney's American Teacher award; Whereas, Mr. Weaver was named a Milken Family Foundation educator in 1997 and was named Carmel Clay Schools Teacher of the Year in 2003; and

Whereas, Mr. Weaver was recently named Indiana's Teacher of the Year for 2004 and will represent Indiana this spring in Washington, D.C. at the national competition sponsored by the Council of Chief of State School Officers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives, the Senate concurring, do honor and congratulate Mark Weaver for his dedication to the youth of Indiana, upon being named as Indiana's Teacher of the Year for 2004, and for representing Indiana in the national competition held in Washington D.C.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to Mark Weaver.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 19

Senate Resolution 19, introduced by Senator Nugent:

A SENATE RESOLUTION to honor the town of Dillsboro on the 175th anniversary of its founding.

Whereas, Dillsboro, Indiana, located in Southeastern Indiana, is a town of about 860 acres, approximately 1.25 square miles, and about an hour drive from Cincinnati, Ohio;

Whereas, Dillsboro offers rural living with access to the services of larger metropolitan areas, and its resources are community spirit and attitude, which help attract and retain business;

Whereas, Over the past 10 years, Dillsboro has grown beyond its previous limits and taken in about 100 more acres of land;

Whereas, Dillsboro's municipal offices and utilities department are located at a newly purchased building in order for the fire department to now have full use of the previous combination town hall/fire station;

Whereas, The town built its first library, a branch of the Aurora Public Library, in 1997, and continues to support the civic club, volunteer ambulance and fire department services;

Whereas, The fire department acquired a new fire truck in 2000 and purchased a new pumper truck in 2003; and

Whereas, The growth of this community over the past 175 years serves as an excellent example of a successful, proud, and long lived rural Indiana community: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate honors the town of Dillsboro the 175th anniversary celebration of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all town council members on behalf of all residents of the town of Dillsboro, Indiana.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Concurrent Resolution 45.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1052.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Gard, Dillon, Heinold, Hershman, Craycraft, Rogers, and Sipes be added as cosponsors of Engrossed House Bill 1080.

SERVER

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 28 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 27 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 1, 444, and 483 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 38 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON THIRD READING

Engrossed House Joint Resolution 4

Senator Steele called up Engrossed House Joint Resolution 4 for

third reading:

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning the bill of rights.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. The people have a right to hunt, fish, and harvest game, which are a valued part of our heritage and shall be forever preserved for the public good, subject to laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly.**

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 297: yeas 41, nays 6. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS
ON THIRD READING

Engrossed House Bill 1052

Senator M. Young called up Engrossed House Bill 1052 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 298: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1099

Senator Merritt called up Engrossed House Bill 1099 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 299: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1200

Senator Lawson called up Engrossed House Bill 1200 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 300: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1240

Senator Miller called up Engrossed House Bill 1240 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 301: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1394

Senator M. Young called up Engrossed House Bill 1394 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 302: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1398

Senator Landske called up Engrossed House Bill 1398 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 303: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c),

the following technical corrections are to be made to Engrossed House Bill 1394.

Delete the title and insert the following:

A BILL FOR AN ACT concerning pensions.

(Reference is to EHB 1394 as printed March 18, 2005.)

GARTON

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1431

Senator Weatherwax called up Engrossed House Bill 1431 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 304: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1488

Senator Miller called up Engrossed House Bill 1488 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 305: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1600

Senator Lubbers called up Engrossed House Bill 1600 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 306: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1794

Senator Lubbers called up Engrossed House Bill 1794 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 307: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 444 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Howard be added as cosponsors of Engrossed House Bill 1112.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume, Jackman, and Craycraft be added as cosponsors of Engrossed House Bill 1431.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse, Heinold, Waterman, and R. Young be added as cosponsors of Engrossed House Bill 1431.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1431.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1224.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breau be added as cosponsor of Engrossed House Bill 1600.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Joint Resolution 4.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, March 24, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:54 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate